

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Samuel Ross	Team: Squad #9	CCRB Case #: 202003642	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/23/2020 10:29 PM	Location of Incident: § 87(2)(b)	Precinct: 84	18 Mo. SOL 11/23/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sat, 05/23/2020 10:47 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 05/29/2020 11:31 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Steven Dulcey	05205	964497	PSA 3
2. POF Joselin Ramirez	25985	967275	PSA 3

Officer(s)	Allegation	Investigator Recommendation
A.POM Steven Dulcey	Abuse: Police Officer Steven Dulcey failed to provide § 87(2)(b) with a business card.	§ 87(2)(g), § 87(4-b)
B.POF Joselin Ramirez	Abuse: Police Officer Joselin Ramirez failed to provide § 87(2)(b) with a business card.	§ 87(2)(g), § 87(4-b)
C.POM Steven Dulcey	Abuse: Police Officer Steven Dulcey threatened to remove § 87(2)(b) to the hospital.	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(g), § 87(4-b)

### Case Summary

On May 23, 2020, § 87(2)(b) filed this complaint with IAB via telephone, generating original log #§ 87(2)(b). The log was then forwarded to the CCRB, where it was received May 29, 2020.

§ 87(2)(b) resides at § 87(2)(b) in Brooklyn, a part of the § 87(2)(b). On the evening of May 23, 2020, via 311, § 87(2)(b) made two noise complaints against the occupants of § 87(2)(b) above his apartment. PO Steven Dulcey and PO Joselin Ramirez responded to both complaints, at 8:00 PM and then at 10:10 PM, but did not meet with § 87(2)(b).

§ 87(2)(b) then called 911 with the same complaint. PO Dulcey and PO Ramirez met § 87(2)(b) at his apartment door at approximately 10:29 PM. § 87(2)(b) asked both officers to provide him with their business cards and cited the Right to Know Act. Neither PO Dulcey nor PO Ramirez provided a business card to § 87(2)(b) (**Allegation A: Abuse of Authority, § 87(2)(g)**). **Allegation B: Abuse of Authority, § 87(2)(g)**. PO Dulcey then said to § 87(2)(b) that he could remove § 87(2)(b) to a hospital (**Allegation C: Abuse of Authority, § 87(2)(g)**). Also present for a portion of these interactions was § 87(2)(b) § 87(2)(b)'s sister. The officers departed without further police action. § 87(2)(b) was not arrested or summonsed.

§ 87(2)(g), § 87(4-b)

§ 87(2)(b) recorded a cell phone video capturing a portion of his interaction with the officers (Board Review 01).

This case was reassigned from Inv. Greg Finch to Inv. Samuel Ross on February 16, 2021.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Steven Dulcey failed to provide § 87(2)(b) with a business card.**

**Allegation (B) Abuse of Authority: Police Officer Joselin Ramirez failed to provide § 87(2)(b) with a business card.**

§ 87(2)(g), § 87(4-b)

An Event report reveals that § 87(2)(b) called 911 and that the job was listed as a dispute (Board Review 02). It is undisputed that § 87(2)(b) asked both officers to provide him with their business cards and that neither officer provided a business card to § 87(2)(b).

§ 87(2)(b) (Board Review 03) stated that when the officers arrived at his apartment door, he immediately returned to his bedroom and retrieved his cell phone. He then returned to the apartment door and began to record a video of the encounter.

§ 87(2)(b) provided the investigation with the cell phone video in question. The video is 1 minute 55 second in length and is playable directly from CTS, where it is linked to IA #21 of the digital case file. During the first eighteen seconds of this video, § 87(2)(b) asks the officers for their

business cards and cites the Right to Know Act. PO Dulcey asks PO Ramirez if she has a business card, and she says that she does not. After the 53 second mark, § 87(2)(b) asks PO Dulcey why he does not have a business card, and PO Dulcey replies says that he has already given them out.

PO Dulcey (Board Review 04) confirmed § 87(2)(b)'s request for both officers' business cards. However, PO Dulcey stated that he was not in possession of any business cards when he met § 87(2)(b) as he had given out his supply of cards to other civilians earlier in the day. He explained this to § 87(2)(b) and verbally provided his name and shield number.

PO Ramirez (Board Review 05) also acknowledged the request and stated that while she had business cards with her when she met with § 87(2)(b) she did not believe this to be the sort of interaction which required an officer to provide a civilian with a business card. As such, she did not provide a business card to § 87(2)(b). Rather, she verbally provided him with her name and shield number. She also wrote down her rank, name, shield number, and phone number on scrap paper and provided this note to § 87(2)(b). PO Ramirez used her department-issued smart phone to take a photograph of the note, and she presented that photograph during her CCRB interview. A request for the photograph in question is pending as of the writing of this report. § 87(2)(b) § 87(2)(b)'s (sister) confirmed that PO Ramirez provided this note to § 87(2)(b).

Both PO Ramirez and PO Dulcey stated that because § 87(2)(b) called 911, and because they received this job as a possible dispute, they needed to speak with all parties in order to investigate.

New York City Administrative Code 14-174 – the “Right To Know Act” – requires that officers proactively offer a business card to a civilian at the conclusion of an interaction involving investigatory questioning of victims or witnesses to crimes (Board Review 06). Such a business card must include the officer's name, rank, shield, and command, a phone number for the 311 service center, and indication that such phone number may be used to submit comments about the encounter.

As noted, PO Dulcey and PO Ramirez each stated that because this incident was relayed as a possible dispute, they needed to investigate by speaking with all involved parties. Their interaction with § 87(2)(b) constituted investigatory questioning of the possible victim of a crime. As such, the Right To Know Act required not only that they provide their business cards upon request, but that they proactively offer business cards at the conclusion of the encounter. Although both officers verbally provided their identifying information, and although PO Ramirez provided this information on a handwritten note, their business cards would also have included information as to how § 87(2)(b) could file a complaint, and the officers did not furnish § 87(2)(b) with that information. § 87(2)(g) PO Dulcey and PO Ramirez offered differing explanations for their respective failures to provide business cards, § 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

**Allegation (C) Abuse of Authority: Police Officer Steven Dulcey threatened to remove § 87(2)(b) to the hospital.**

It is undisputed that PO Dulcey said to § 87(2)(b) that he could remove § 87(2)(b) to a hospital.

According to § 87(2)(b) after he requested the officers' business cards, § 87(2)(b) told PO Dulcey to "drop [his] attitude." PO Dulcey responded that § 87(2)(b) should do the same. PO Dulcey then said multiple times that he would bring § 87(2)(b) to a hospital. § 87(2)(b) felt that PO Dulcey made this remark in an attempt to intimidate him.

PO Dulcey acknowledged making the remarks in question. He stated that § 87(2)(b) was calm when he first opened the apartment door, but closed the door and then reopened it, now holding a cell phone. PO Dulcey described § 87(2)(b)'s demeanor from that point onward as "irate." § 87(2)(b) used profanity toward the officers and said that because both officers were Hispanic, they were taking the side of § 87(2)(b)'s upstairs neighbors, who were also Hispanic. PO Dulcey had not approached this interaction with an equivalent demeanor and was surprised by § 87(2)(b)'s aggressive tone. Additionally, at some point during this interaction, § 87(2)(b) said to PO Dulcey, "I can take you." PO Dulcey took this to mean that § 87(2)(b) believed he could physically overpower PO Dulcey. PO Dulcey doubted that § 87(2)(b) would make such a remark unless he genuinely believed he could do so.

Due to § 87(2)(b)'s irate demeanor, PO Dulcey believed that § 87(2)(b) might be emotionally disturbed. As such, PO Dulcey believed that he would be justified in calling for EMS to evaluate § 87(2)(b) who was behaving erratically and had threatened an officer. PO Dulcey informed § 87(2)(b) that if § 87(2)(b) did not calm himself, PO Dulcey would call an ambulance so that EMS could evaluate him, and that § 87(2)(b) could possibly be removed to a hospital. PO Dulcey said this in order to deescalate his interaction with § 87(2)(b) hoping the warning would discourage § 87(2)(b) from behaving angrily. PO Dulcey did not intend to have § 87(2)(b) transported to a hospital unless § 87(2)(b) failed to calm himself.

According to PO Dulcey, § 87(2)(b) made no other or more specific threat than saying, "I can take you." He never threatened PO Ramirez or any other individual. He never threatened self-harm. Lastly, PO Dulcey did not consider § 87(2)(b) to pose a risk of serious harm to himself or to any other person.

PO Ramirez's statement was largely consistent with PO Dulcey's. She also stated that § 87(2)(b) was calm when he first opened the door but grew angry when he returned to the door holding his cell phone. According to PO Ramirez, PO Dulcey said to § 87(2)(b) that if § 87(2)(b) did not calm himself, the officers could have him transported to a hospital. PO Ramirez described § 87(2)(b) as speaking in an elevated, angry tone. She also stated that at some point during this interaction, § 87(2)(b) said to PO Dulcey, "I can take you down." PO Ramirez interpreted this as a physical threat. However, she did not feel threatened by § 87(2)(b) she felt that she and PO Dulcey had the situation under control and that § 87(2)(b)'s threat was an expression of anger,

like his shouting. According to PO Ramirez, § 87(2)(b) never made any other threat toward any other individual and never threatened self-harm. He did not appear to PO Ramirez to pose a risk of serious harm to himself or to any other person.

As noted above, § 87(2)(b) recorded a cell phone video capturing a portion of his interaction with the officers. As addressed, the video first captures § 87(2)(b) asking for the officers' business cards and identifying information. § 87(2)(b) expresses his frustration that the officers are not taking action in response to his noise complaints. Then, at the 1 minute 18 second mark, he says to PO Dulcey, "And you can drop the attitude, please." PO Dulcey responds, "You can drop the attitude." § 87(2)(b) responds, "No, no, no – I'll tell you what," at which point PO Dulcey says, "I'll tell you right now. I'll take you to the hospital right now." When § 87(2)(b) replies, "Excuse me?" PO Dulcey continues, "I will take you to the hospital right now." § 87(2)(b) asks twice, "You were making a threat?" PO Dulcey responds, "I will."

PO Dulcey and PO Ramirez both reviewed this video in its entirety during their respective CCRB interviews. Responding to the video, PO Dulcey stated that during the encounter, § 87(2)(b) appeared to record for longer than two minutes. Additionally, PO Dulcey stated that the portion of video shown was recorded after § 87(2)(b) said to PO Dulcey, "I can take you." PO Ramirez also believed that this video captured only a portion of the officers' interactions with § 87(2)(b) and omitted § 87(2)(b) saying to PO Dulcey, "I can take you down." However, PO Ramirez was certain that § 87(2)(b)'s cell phone video captured the interaction beginning when § 87(2)(b) returned to the apartment door after initially closing it, and first began recording a cell phone video. According to PO Ramirez, § 87(2)(b)'s threat to PO Dulcey – "I can take you down" – occurred later during the interaction, after the interactions recorded in this cell phone video.

NYPD Patrol Guide Procedure 221-13 defines an emotionally disturbed person as an individual who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others (Board Review 08).

Both PO Dulcey and PO Ramirez described § 87(2)(b) as angry, and the cell phone video confirms that he spoke to officers in an elevated tone. However, both officers testified that § 87(2)(b) did not appear to pose a risk of serious harm to himself or to others. While the officers stated that § 87(2)(b) said to PO Dulcey, "I can take you down," or a similar statement, PO Ramirez clarified that § 87(2)(b) made this remark after PO Dulcey said that he would bring § 87(2)(b) to a hospital. § 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

### Civilian and Officer CCRB Histories

- § 87(2)(b)  
[Redacted]
  - [Redacted]
  - [Redacted]
- PO Dulcey has been a member of service for two years and has been a subject in one other CCRB complaint with three allegations. That case is pending review by the Board.
- This is the first CCRB complaint involving PO Ramirez, who has been a member of the NYPD for two years.

### Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- § 87(2)(b) [Redacted]
- On October 22, 2020, the Office of the Comptroller informed Inv. Finch that no notice of claim had been filed regarding to this incident.

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Squad No.: 9

Investigator: Samuel Ross      Inv. Samuel Ross      April 21, 2021  
Signature      Print Title & Name      Date

Squad Leader: Monique West      IM Monique West      5/20/2021  
Signature      Print Title & Name      Date

Reviewer: \_\_\_\_\_  
Signature      Print Title & Name      Date